

#3

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: LINDBO)

Art Unit: RECEIVED

Serial No.: 09/445,843)

Examiner: 25 AUG 2000

Filing Date: December 14, 1999)

Legal Staff
International Division

Title: INTERNET CACHING SYSTEM

RECEIVED

JUL 24 2000

OFFICE OF PETITIONS

Commissioner for Patents

Ren. Ref: Washington, DC (2023-1000)
 DAH: 110231 Name/Number: 09445843
 FC: 704 \$6.00 CR

10/22/2001 AYILHAZ 00000001 110231 09445843
 01 FC:154 Dear Sir:

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF
OF NONSIGNING INVENTOR PURSUANT TO 37 C.F.R. §1.47(b)

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning sole inventor for the above-identified patent application after deposit thereof in the Patent and Trademark Office. Because the sole inventor, Mr. Lindbo, would not sign, the signing on behalf of the nonsigning inventor is by an entity showing a sufficient proprietary interest. This statement also recites facts as to why this action was necessary to preserve the rights of the parties and to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited herein:

Adjustment date: 10/22/2001 AYILHAZ
 12/22/1999 UCLAYBRD 00000063 09445843
 03 FC:198 -6.00 OP

The last known address of the inventor, Sverker Lindbo, is 40 Elm Street, Wellesley, Massachusetts 02481.

Our bona fide attempt at acquiring the inventor's signature consisted of providing Mr. Lindbo, the inventor, with a copy of the application and associated Oath/Declaration. We received no response from Mr. Lindbo. Mr. Lindbo expressly refused to sign in writing as evidenced by the attached letter from his lawyer Mark Shub dated March 22, 2000. Further, we requested Timo Aittola, who has a personal and professional relationship with Mr. Lindbo, additionally request signature by Mr. Lindbo. At such time, Mr. Lindbo corresponded with me directly via e-mail. The attached e-mail dated May 5, 2000, from Mr. Lindbo to myself, demonstrates his refusal to sign. To summarize Mr. Lindbo's point of view, he feels the Agreement on the Sale and Purchase

CERTIFICATE OF HAND-DELIVERY

hereby certify that I have hand-delivered these Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor

Paul Del Guidice

pursuant to 37 C.F.R. §1.47(b), Statement under 37 C.F.R. §373(b) establishing Proprietary Interest by Person signing on behalf of Nonsigning Inventor, Combined Declaration under 37 C.F.R. §1.63 and Oath/Power of Attorney and four supporting documents with a check for \$600.00 to the Office of Petitions on July 24, 2000.

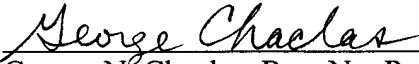
0000012 130.06 2000
 07/25/2000 6185
 01 FC:111

of a Business Operation, which assigns the subject application to Mirror Image Internet, Inc, has been breached and nullified, therefore Mirror Image Internet, Inc. is not the rightful owner under such circumstances. As a result, Mr. Lindbo feels compelled to refuse signature of any legal documents.

A check for \$130.00 to cover the fee under 37 C.F.R. § 1.17(I) is enclosed. The Commissioner is authorized to charge any additional fees associated with the submission of these formal papers to Deposit Account No. 11-0231. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

Dated: July 21, 2000


George N. Chaclas, Reg. No. P-46,608
Attorney for Applicant
CUMMINGS & LOCKWOOD
Four Stamford Plaza
P.O. Box 120
Stamford, CT 06902
(203) 351-4103

.StmLib1:771708.1 07/21/00

RECEIVED
JUL 24 2000
OFFICE OF PETITIONS

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: LINDBO) Art Unit:
Serial No.: 09/445,843) Examiner:
Filing Date: December 14, 1999)

Title: INTERNET CACHING SYSTEM

RECEIVED

JUL 24 2000

Commissioner for Patents
Washington, DC 20231

OFFICE OF PETITIONS

STATEMENT UNDER 37 C.F.R. §373(b) ESTABLISHING PROPRIETARY
INTEREST BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR

Dear Sir:

I, Timo Aittola, residing at 244 SHELTER ROCK ROAD
STAMFORD, CT 06903, USA

am the person signing the declaration on the above-identified application on behalf of the nonsigning inventor and make this statement as to the facts establishing my proprietary interest. The above-identified application was described and claimed in PCT Application No. PCT/SE98/01316 which was based upon Swedish Patent Application No. 9702795-7.

As of the date I signed the Combined Declaration under 37 C.F.R. §1.63 and OATH/Power of Attorney for this application, the proprietary interest in this invention belonged to the following entity:

Mirror Image Internet Inc.
49 Dragon Court
Woburn, MA 01801

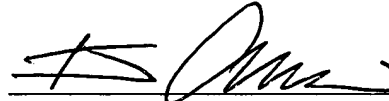
As Chief Financial Officer of Mirror Image Internet Inc., I am authorized to sign the statement on behalf of Mirror Image Internet Inc.

I establish the proprietary interest by attaching a copy of the Swedish language assignment of this invention from the nonsigning inventor, Mr. Lindbo, to Mirror Image Internet AB and by attaching a copy of the Agreement on the Sale and Purchase of a Business Operation whereby Mirror Image Internet AB transferred their full interest in the subject application to Mirror Image Internet Inc., the assignee .

In accordance with 37 CFR 3.73(b), the assignee hereby states that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Respectfully submitted,

Dated: July 14, 2000



Timo Aittola
Chief Financial Officer
Mirror Image Internet Inc.
49 Dragon Court
Woburn, MA 01801

RECEIVED

JUL 24 2000

OFFICE OF PETITIONS

.StmLib1:771847.1 07/06/00

639321.0004 (MIII-102)

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: LINDBO) Art Unit: TBD
Serial No.: 09/445,843) Examiner: TBD
Filing Date: December 14, 1999)
Title: **INTERNET CACHING SYSTEM**

Commissioner for Patents
Washington, DC 20231

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF
OF NONSIGNING INVENTOR PURSUANT TO 37 C.F.R. §1.47(b)**

Dear Sir:

I, Mary Jo Johnson, do hereby declare that:

1. I am a senior partner in the law firm of Hale and Dorr LLP and work at its offices at 60 State Street, Boston, Massachusetts 02109. Attorneys at Hale and Dorr LLP represent Mirror Image Internet, Inc. (the "Company") in various corporate and litigation matters. I represent the Company in litigation matters.
2. I am making this statement as to the facts as I understand them that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning sole inventor, Mr. Sverker Lindbo, for the above-identified patent application after deposit thereof in the U.S. Patent and Trademark Office.
3. I am making this statement as I have first-hand knowledge of the facts recited herein.
4. One recent bona fide attempt at acquiring the inventor's signature as requested by the U.S. Patent and Trademark Office consisted of a paralegal in our Intellectual Property Department, Christine M. Colbert, on May 10, 2001 hand delivering to Mr. Mark Shub and Ms. Elise Busny, the attorney's representing Mr. Lindbo, a copy of the application and associated Oath/Declaration under cover letter from R. Thomas Payne, Cummings

CERTIFICATE OF HAND-DELIVERY

I, _____, hereby certify that I have hand-delivered these Renewed Petition under 37 C.F.R. §1.47(b), Petition and Fee for Paul Del Guidice

Extension of Time under 37 C.F.R. § 1.136(a), Check for \$1,390.00, a first Statement of Facts in Support of Filing on Behalf of Nonsigning Investor Pursuant to 37 C.F.R. § 1.47(b) by Mary Jo Johnson, a second Statement of Facts in Support of Filing on Behalf of Nonsigning Investor Pursuant to 37 C.F.R. § 1.47(b) by Mary Jo Johnson, a Statement of Facts in Support of Filing on Behalf of Nonsigning Investor Pursuant to 37 C.F.R. § 1.47(b) by Timo Aittola, a Statement of Facts in Support of Filing on Behalf of Nonsigning Investor Pursuant to 37 C.F.R. § 1.47(b) by R. Thomas Payne, and a Statement of Facts in Support of Filing on Behalf of Nonsigning Investor Pursuant to 37 C.F.R. § 1.47(b) by George Chaclos to the Office of Petitions on May 16, 2001.

& Lockwood, Four Stamford Plaza, P.O. Box 120, Stamford, Connecticut 06904-0120, the Company's patent counsel, dated May 9, 2001.

5. On the evening of May 10, 2001, Ms. Busny, as attorney for Mr. Lindbo, contacted the undersigned by telephone and confirmed that she had received the letter and materials from Mr. Payne that day, but that Mr. Lindbo would not sign the relevant documents unless Mirror Image Internet, Inc. paid \$160,000 to Parfi AB, which is on information and belief, a Swedish company for which Mr. Lindbo is a director.
6. On the afternoon of May 11, 2001, the undersigned returned Ms. Busny's earlier telephone call and informed Ms. Busny that Mirror Image Internet, Inc. would not pay \$160,000 to resolve a dispute with Parfi AB in exchange for Mr. Lindbo's execution of the Oath/Declaration and requested that Ms. Busny prevail upon her client, Mr. Lindbo, to sign the papers, as he is obligated to do, and let Parfi and Mirror Image Internet, Inc. work out their disputes later. Further, the undersigned requested that Ms. Busny contact Mr. Payne, as patent counsel, and let him know what Mr. Lindbo is intending to do concerning the execution of the Oath/Declaration.
7. The undersigned has not heard from Ms. Busny since that conversation, and has not received any message that Ms. Busny has attempted to reach the undersigned as of the execution of this document.
8. The undersigned further declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Mary Jo Johnson (BBO #553419)
Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6750

Dated: May 15, 2001